



#### PRESENT:

Mr. F. Wayne Bass, Chairman

Dr. William P. Brown, Vice Chairman

Mr. Russell Gulley

Mr. Sam R. Hassen

Mr. Reuben J. Waller. Jr.

Mr. Kirkland A. Turner, Secretary to the Commission, Planning Director

### **HISTORIC PRESERVATION COMMITTEE:**

Ms. Mary Ellen Howe, Chairman

Mr. Jim Daniels, Vice Chairman

Mr. John V. Cogbill III

Mr. J. Carl Morris

Mr. Bryan Walker

Mr. G. M. "Skip" Wallace

#### **ABSENT:**

Mr. George Emerson

#### **ALSO PRESENT:**

Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department

Mr. Glenn E. Larson, Assistant Director, Plans and Information Section, Planning Department

Mr. Carl D. Schlaudt, Planning Manager, Development Review Section, Planning Department

Mr. Gregory E. Allen, Planning Manager, Development
Review Section, Planning Department

Ms. Tara McGee, Assistant County Attorney, County Attorney's Office

Mr. David W. Robinson, Senior Assistant County Attorney, County Attorney's Office

Ms. Jane Peterson, Planning and Special Projects Manager, Development Review Section, Planning Department

Mr. Robert V. Clay, Planning and Special Projects Manager, Development Review Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator, Development Review Section, Planning Department

Mr. Michael Janosik, Planning Administrator,

Development Review Section, Planning Department

Ms. Pamela Nichols, Clerk to the Commission,

Administration Section, Planning Department

Ms. Barbara Fassett, Planning Manager, Advance Planning and Research Section, Planning Department

Ms. Heather Barrar, Principal Planner, Advance Planning and Research Section, Planning Department

Mr. Steven F. Haasch, Principal Planner, Advance Planning and Research Section, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning and Research Section, Planning Department

Mr. Zachary Mayo, Planning Data and Geographic Analyst,

Advance Planning and Research Section, Planning Department

Mr. Joe Feest, Planning Administrator,

Planning Department

Mr. Alan G. Coker, Senior Planner, Development

Review Section, Planning Department

Mr. Stuart Connock, Chief of Parks/Design & Construction,

Parks and Recreation Department

Mr. Randy Phelps, Principal Engineer,

**Utilities Department** 

Mr. John McCracken, Director of Transportation

Transportation Department

Mr. Richard M. McElfish, Director

**Environmental Engineering Department** 

Mr. Matthew Peanort, Budget and Management Analyst,

**Budget and Management Department** 

Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology

Ms. Cynthia O. Richardson, Director of Planning,

School Administration

Ms. Traci E. Teasley, Executive Director of Research & Planning,

School Administration

Firefighter Greg Smith, Fire and Life Safety,

Fire and EMS Department

#### ASSEMBLY AND WORK SESSION.

Messrs. Bass, Brown, Gulley, Hassen, Waller and staff assembled at 3:00 p. m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Lori Road Chesterfield, VA, for a work session.

# I. <u>REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.</u>

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### II. REVIEW UPCOMING AGENDAS.

Mr. Carl Schlaudt apprised the Commission of the caseload agenda for the upcoming months for March, April and May 2011.

#### III. REVIEW DAY'S AGENDA.

Mr. Greg Allen presented an overview of, and staff's recommendations for, requests to be considered at the 4:00 p.m. Public Meeting

Mr. Carl Schlaudt presented an overview of, and staff's recommendations for, requests to be considered at the 6:00 p.m. Public Hearing.

Mr. Kirk Turner presented an overview of and staff's recommendation for the Proposed Subdivision Ordinance and Zoning Ordinance Amendments Relating to Planning Fees to be considered at the 6:00 p.m. Public Hearing.

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There were no questions on items listed on the work program.

# V. PLANNING COMMISSION'S FOLLOW-UP ITEMS LIST. FOLLOW - UP ITEMS

There were no questions on items listed on the follow-up items list.

# VI. STATUS UPDATE ON TOWER SITING POLICY.

**STATUS ON TOWER SITING POLICY** 

Mr. Robert Clay stated with respect to the review of the Tower Siting Policy, staff met with cellular communications and tower company's representatives to discuss the future of the industry and what modifications, if any, the County could implement in order to keep up with the pace of the telecommunications industry; and presented the results of the meetings. Mr. Clay presentation included the industry representatives' comments during the round-table discussions on the following subjects: Chesterfield's Policy/Process; Existing Facilities; FAA & FCC Compliance; Balloon Tests; Tower Design; Design Capacity; Removal Provisions and Reservation of Space.

Mr. Clay responded to questions from the Commission based on industry representatives' concerns and comments relative to co-location of the County's 911 towers, Policy flexibility, administrative process for towers under a certain height, location of towers in residential districts and maintenance costs for stealth towers.

In response to Mr. Gulley's question, Ms. McGee stated staff will review the legal determination for Substantial Accord requests.

It was the consensus of the Commission to delay acting on any amendment to the current Policy until the adoption of the new Comprehensive Plan, but staff is to continue working on the project; and directed staff to provide a list of representatives who attended the meetings; future of 911 towers relative to co-location on cell towers; to research whether wireless coverage is countywide; prepare a matrix outlining the telecommunications industry representatives' main concerns and how staff plans to address those concerns; data on maintenance cost for stealth towers; and notification procedures for tower requests.

#### VII. DISCUSSIONS ON ELECTRONIC MESSAGE CENTER POLICY.

■ ELECTRONIC MESSAGE CENTER

Due to time constraints, this item was moved to the end of the Afternoon Session's agenda.

#### VIII. RECESS.

The Commission recessed at 3:52 p.m., agreeing to reconvene in the Public Meeting Room for the Afternoon Session.

#### 4:00 P.M. PUBLIC MEETING.

### I. CALL TO ORDER.

Mr. Bass, Chairman, called the meeting to order in the Public Meeting Room, Chesterfield County Administration Building.

# II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

It was the consensus of the Commission to add a new Item III, Resolution honoring Dr. William P. Brown.

# III. RESOLUTION HONORING DR. WILLIAM P. BROWN, DALE DISTRICT PLANNING COMMISSIONER, FOR HIS SERVICE AS 2010 PLANNING COMMISSION CHAIRMAN.

Mr. Bass acknowledged Dr. Brown's service as 2010 Chairman of the Planning Commission and on motion of Mr. Gulley, seconded by Mr. Waller, the Commission adopted the following resolution:

WHEREAS, Dr. William P. Brown, Planning Commissioner representing the Dale Magisterial District, served as Chairman of the Chesterfield County Planning Commission in 2010; and

**WHEREAS, Dr. Brown** presided over the Planning Commission participation in joint meetings with the Board of Supervisors and School Board in the initial development stages of the new countywide Comprehensive Plan -- a process that will help solidify the County's vision for the future; and

WHEREAS, Dr. Brown actively participated in efforts to develop and discuss a wide range of code and policy amendments that will enhance the quality of life, including: accessory building standards, columbariums, communication towers, family subdivisions, illegal parcel splits, landscape maintenance bonding, lot area and width requirements, planning fees for certain commercial activities, residential care homes, stormwater management/best management practices facilities in buffers, temporary family health care structures, transitioning houses to non-residential uses, utility connections, and wind energy systems; and

**WHEREAS, Dr. Brown** provided leadership in the Commission's review of numerous residential, commercial, office, and industrial development projects; and

**WHEREAS, Dr. Brown** provided leadership in the Commission's review of important parks and recreation projects that will expand the availability and quality of recreational opportunities for Chesterfield residents, including: a 544-acre special purpose park fronting the Appomattox River; SportsQuest, Watkins Annex neighborhood park, and a new YMCA facility; and

**WHEREAS, Dr. Brown** led Commission review of educational projects that will serve Chesterfield residents, including: conversion of Chester and Perrymont Middle Schools and expansion of Bryant & Stratton College; and

**WHEREAS, Dr. Brown** continued his personal commitment to meet and discuss issues of concern with County citizens and instilled this commitment upon his fellow Commissioners thereby providing fair and open access for all citizens.

NOW, THEREFORE, BE IT RESOLVED, that the CHESTERFIELD COUNTY PLANNING COMMISSION, on this 15th DAY OF FEBRUARY, 2011, does hereby recognize and applaud the conscientious efforts and commitment to excellence displayed by DR. WILLIAM P. BROWN.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to DR. BROWN and that this resolution be permanently recorded among the papers of the PLANNING COMMISSION OF CHESTERFIELD COUNTY.

AYES: Messrs. Bass, Gulley, Hassen and Waller.

Mr. Bass presented the executed resolution and gavel plaque to Dr. Brown.

Dr. Brown expressed appreciation to the Commission and Staff.

## IV. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

# V. APPROVAL OF THE JANUARY 18, 2011 PLANNING COMMISSION MINUTES:

January 18, 2011 Planning Commission Minutes.

 □ 1-18-11 DRAFT MINUTES

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to approved the January 18, 2011 Planning Commission Minutes.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

#### VI. PUBLIC HEARING.

#### WITHDRAWAL REQUESTS BY APPLICANTS.

A. <u>09TS0321</u>: In Bermuda Magisterial District, **OHAM CORPORATION** withdrew consideration for tentative subdivision approval for **MILLSIDE**, **PHASE 2** in a Manufactured or Mobile Home Subdivision (MH-2) District on 60.1 acres located at the south termini of Lansmill, Fiala and Swift Bluff Drives. Tax ID 802-629-5207. ■ 09TS0321 STAFF ANAYLSIS

Mr. Kirk Turner advised the Commission of the applicant's request for withdrawal of Case 09TS0321.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission acknowledged withdrawal of Case 09TS0321.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

Mr. Kirk Turner advised the Commission of the applicant's request for withdrawal of Case 11PR0140.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission acknowledged withdrawal of Case 11PR0140.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

#### CONTINUATION OF WORK SESSION.

#### VII. DISCUSSIONS ON ELECTRONIC MESSAGE CENTER (EMC) POLICY.

# ■ ELECTRONIC MESSAGE CENTER

Mr. Greg Allen began by stating the current Electronic Message Sign (EMC) Policy has guidelines differs do not currently address the aspect of code enforcement. He stated at their December 15, 2010 public hearing, the Board of Supervisors directed staff to research whether it is possible for an EMC sign to have software that locks the program, and to present the findings to the Planning Commission for further input. He stated staff met with members of the sign industry to determine feasibility of adding the locking requirement; however, the results turned out to be inconclusive. He also stated discussions with a major manufacturer of EMC signs (Daktronics) clarified that locking software does exist and that Mr. Glenn Wieb from Daktronics was present with a presentation. He also reviewed staff's recommendation for the three (3) ordinance amendments that support improved code enforcement.

Mr. Hassen stated he supported locking software; however, he was concerned that adoption of the locking software would create a potential problem because of limited software manufacturers.

In response to Mr. Gulley's question relative to codifying the three (3) ordinance amendments, Ms. McGee stated a twenty-four (24) hour remedy would be applicable to all; however, people with sign permits have certain rights that the County cannot alter after the fact. She stated staff will work on additional language to accomplish the enforcement of current signs.

Mr. Glenn Wieb presented an overview of Daktronics' software products used to control EMC signs' brightness, flashing, motion, animation in inappropriate areas, transition effects and video.

In response to Mr. Gulley's question, Mr. Wieb stated the end user is responsible for adherence to conditions of zoning; however, Daktronics requires certification from sign owners that they will not exceed the limitations established by a locality.

In response to Dr. Brown's question, Ms. McGee stated careful consideration should be given before implementing a condition that currently can only be met by a single manufacturer.

In response to Mr. Hassen's question, Mr. Wieb stated Daktronics does not obtain the passwords for the locking software; and Daktronics would need to research the resources needed to maintain the software passwords.

Mr. Bass reiterated that agreeing to a presentation from Daktronics was not an endorsement by the Commission for a particular company.

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The Commission directed staff to provide an update to the Board to inform them of the amount of work the Commission has done in reviewing locking software and note the need for additional information on software locking vendors; and codifying the violations in a manner that are inclusive of existing EMC signs.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to schedule a work session for May 17, 2011, to review the EMC Sign Policy.

AYES: Messrs. Bass, Brown, Hassen and Waller.

NAY: Mr. Gulley.

#### VII. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:56 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m. for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

#### 5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion regarding pending cases.

### 6:00 P.M. PUBLIC MEETING AND HEARING

## JOINT PLANNING COMMISSION AND PRESERVATION COMMITTEE MEETING

#### I. INVOCATION.

Mr. Gulley presented the invocation.

#### II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Joe Feest led the Pledge of Allegiance to the Flag.

#### III. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

# IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission resolved to reorder all zoning cases to be heard before the Code Amendment Relative to Planning Department Fees.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

#### V. HISTORIC LANDMARK DESIGNATION REQUEST.

A. <u>11HP0182</u>: In Bermuda Magisterial District, WBB DEVELOPMENT COMPANY LLC requests historic landmark designation and amendment of the zoning district map for the HATCHER-GREGORY HOUSE (structure only) in a Corporate Office (O-2) and Residential Townhouse (R-TH) District on .5 acre and is known as 3810 West Hundred

Road. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. Tax IDs 791-656-Part of 2043. 

■11HP0182 STAFF ANALYSIS

Mr. Steve Haasch presented an overview of the request and staff's recommendation of approval noting the historic landmark designation is representative of, and compatible with, existing and anticipated area development. He also noted the area has a high concentration of historical buildings and sites that are important reminders of Chesterfield County's past.

No one came forward to speak in favor of, or in opposition to, the request.

Ms. Howe called for a motion and vote from the Preservation Committee for Case 11HP0182.

On motion of Mr. Daniels, seconded by Mr. Morris, the Preservation Committee resolved to recommend approval of historic landmark designation for Case 11HP0182, WBB Development Co., LLC (Hatcher – Gregory House), based on the following findings:

- A. The presence of one (1) distinguished building of high architectural quality and historic interest: and
- B. This designation will cause no significant adverse effect on future development of the County.

AYES: Ms. Howe and Messrs. Daniels, Cogbill, Morris, Walker, and Wallace.

ABSENT: Mr. Emerson.

Mr. Bass, Chairman, called for a motion and vote from the Planning Commission on Case 11HP0182.

On motion of Mr. Hassen, seconded by Mr. Waller, the Planning Commission resolved to recommend approval of historic landmark designation for Case 11HP0182, WBB Development Co., LLC (Hatcher-Gregory House).

The designated site shall be as follows:

Located in the northeast corner of West Hundred Road and Dale Lane and is better known as 3810 West Hundred Road. Tax ID 791-656-Part of 2043.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

#### VI. RECESS.

The public hearing recessed at 6:08 p.m.

The public hearing reconvened at 6:18 p.m.

#### REGULARLY SCHEDULED PLANNING COMMISSION MEETING.

#### VII. REVIEW UPCOMING AGENDA.

Mr. Kirk Turner reviewed the upcoming agenda.

# VIII. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

The Commission voted during the joint meeting to reorder all zoning cases to be heard before the Code Amendment.

# IX. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

### X. CITIZEN COMMENT ON UNSCHEDULED MATTERS

There were no citizen comments on unscheduled matters.

#### XI. PUBLIC HEARING.

- DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER.
- B. <a href="https://doi.org/10.1008/jtml/district">https://district.com/district</a> In Dale Magisterial District, **THREE HOOS LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) on 4.3 acres fronting 510 feet on the north line of Beulah Road, also fronting 350 feet on the east line of Iron Bridge Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. Tax IDs 772-674-Parts of 8642 and 9442; and 773-674-1653. ■11SN0150 STAFF ANALYSIS

Ms. Carrie Coyner, the applicant's representative, accepted deferral of Case 11SN0150 by Dr. Brown to the March 15, 2011 Planning Commission public hearing.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Dr. Brown's request.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 11SN0150 to their March 15, 2011 Planning Commission public hearing.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

- CASES WHERE THE APPLICANTS ACCEPT STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.
- C. <a href="1">11PD0163</a>: In Midlothian Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requests substantial accord determination and amendment of zoning district map to permit a communications tower in an Agricultural (A) District on 1.3 acres fronting 290 feet on the south line of Forest Hill Avenue, 260 feet east of Professional Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. Tax IDs 759-718-0843 and 2444. 
   11PD0163 STAFF ANALYSIS

Mr. Adam Lovelady, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to Mr. Waller's question, Mr. Lovelady verified that the existing lattice structure will be replaced by a monopole structure as illustrated on the Tower Elevation included with the staff analysis.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission found Case 11PD0163 for a proposed communications tower to be in Substantial Accord with the Comprehensive Plan.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

D. <u>11SN0170</u>: In Bermuda Magisterial District, ALISA MOORE requests conditional use approval and amendment of zoning district map to permit a family day care home in a Residential (R-12) District on .8 acre known as 15138 Alderwood Terrace. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4 units/acre. Tax ID 794-640-4643. ■11SN0170 STAFF ANALYSIS

There was opposition present; therefore, this case was moved to those requiring discussion.

E. 11SN0174: In Dale Magisterial District, SHAWN N. STONE AND LARRY D. STONE requested conditional use approval and amendment of zoning district map to permit a family day care home in a Residential (R-7) District on .4 acre known as 5933 Fieldstone Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 4.0 dwelling units per acre. Tax ID 770-690-6733. ■11SN0174 STAFF ANALYSIS

Mr. Larry and Ms. Shawn Stone, the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Dr. Brown made a motion to approval Case 11SN0174.

The motion failed due to the lack of a second.

Mr. Gulley stated that he did not support an increase in the number of children from seven (7) children to twelve (12) because the use was too intense for the acreage; and the request should be limited to a time specific.

Mr. Waller stated that he could support the case with a two (2) year time limit.

Dr. Brown asked the Commission to consider a thirty (30) day deferral to allow the applicants additional time to consider a revision to the conditions.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 11SN0174 to their March 15, 2011 public hearing.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

F. <a href="ISN0175">11SN0175</a>: In Midlothian Magisterial District, SUBURBAN VILLAGE, INC. requests conditional use planned development approval and amendment of zoning district map to permit access to Community Business (C-3) property through a Residential (R-7) District and signage on 2 acres fronting 160 feet on the east line of Old Bon Air Road at Huntersdell Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units/acre. Tax IDs 749-710-9433 and 9936 and 750-710-0148.

■ 11SN0175 STAFF ANALYSIS

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Bass opened the floor for public comments.

Mr. Erik Harrison spoke in opposition of the request expressing concerns relative to increased traffic on Old Bon Air Road resulting from the proposed access and its impact on area neighborhood safety.

There being no one else to speak, Mr. Bass close the public comments.

In rebuttal, Mr. Scherzer stated a neighborhood meeting was held in which there was no opposition; and that the access will only serve a hospice facility which will generate a low traffic volume.

In response from Mr. Waller's question, Mr. McCracken stated the Transportation Department was comfortable with the request based upon the low traffic volume generated by the proposed use.

In response to Mr. Waller's question, Ms. Peterson confirmed a letter of support from the adjacent church.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 11SN0175 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

- 1. <u>Use</u>. Use of the requested commercial access shall be limited to serving a Hospice use located on Tax IDs 750-709-0682 and 750-710-2010. (P)
- 2. <u>Signage</u>. One (1) offsite directional sign for the purpose of identifying a Hospice use located on tax IDs 750-709-0682 and 750-710-2010 shall be permitted at the access to Old Bon Air Road. Such sign shall be limited to seven (7) square feet in area and seven (7) feet in height. (P)
- 3. <u>Access.</u> Direct vehicular access from the property to Old Bon Air Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
- 4. <u>Access</u>. The vehicular access to Old Bon Air Road shall only serve a maximum density of a twenty-five (25) bed nursing home facilities or equivalent traffic generation, as determined by the Transportation Department. (T)
- 5. Prior to any site plan approval or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, 35 feet of right-of-way, measured from

the centerline of Old Bon Air Road shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

6. <u>Timbering</u>. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

G. 11SN0177: In Midlothian Magisterial District, CHESTERFIELD FEDERAL CREDIT UNION requests amendment of conditional use planned development approval (Case 79SN0211) and amendment of zoning district map relative to signage in a Neighborhood Business (C-2) District on .7 acre known as 13601 Midlothian Turnpike. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district use. Tax ID 729-707-0485. ■11SN0177 STAFF ANALYSIS

Mr. Chris Isenberg, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to Mr. Waller's question, Ms. Peterson confirmed that in response to concerns expressed by the Village of Midlothian Volunteer Coalition (VMVC), the applicant submitted a proffered condition to address the elevation of the proposed freestanding sign.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 11SN0177 and acceptance of the following proffered condition:

#### PROFFERED CONDITION

The final sign design, colors and materials for the freestanding sign shall be substantially consistent with the elevation dated February 3, 2011, prepared by Sign Crafters and included as part of Case 11SN0177. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

H. <u>11SN0178</u>: In Bermuda Magisterial District, WBB DEVELOPMENT CO, LLC requests rezoning and amendment of zoning district map from Corporate Office (O-2) to Neighborhood Business (C-2) plus conditional use planned development to permit exceptions to Ordinance requirements on .5 acre known as 3810 West Hundred Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. Tax ID 791-656-Part of 2043. ■11SN0178 STAFF ANALYSIS

Mr. Whitley Blake, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 11SN0178 subject to the following condition and acceptance of the following proffered conditions:

#### CONDITION

The Textual Statement dated December 6, 2010 shall be considered the Master Plan.

#### PROFFERED CONDITIONS

- 1. Uses shall be limited to those uses permitted by right or with restrictions in the Neighborhood Office (O-1) District plus the following uses:
  - a. Art schools and galleries
  - b. Funeral homes or mortuaries
  - c. Medical and dental laboratories
  - d. Schools business, music and dance
  - e. Bakery goods store
  - f. Bank and savings and loan associations with or without drive-in windows
  - g. Barber or beauty shop
  - h. Book, stationary, newspaper or magazine store
  - i. Candy store
  - j. Florist shop
  - k. Restaurants (Sit Down)
  - I. Shoe repair shop
  - m. Tailoring and dressmaking shops
  - n. Antique shops, not to include pawnbrokers, indoor and outdoor flea markets and secondhand and consignment stores
  - o. Artist material and supply stores
  - p. Bicycle sales and rentals
  - q. Catering establishments
  - r. Clothing stores
  - s. Curio or gift shops
  - t. Eyewear sales and services
  - u. Hobby stores
  - v. Jewelry stores
  - w. Musical instrument stores
  - x. Paint and wallpaper stores
  - y. Photography studios
  - z. Schools, public and private
  - aa. Sewing machine sales, instruction and services
  - bb. Toy stores (P)
- 2. No use shall be open to the public between 10:00 p.m. and 6:00 a.m. (P)
- 3. No goods may be produced for retail sale on the premises if more than five (5) persons are engaged in such production. (P)
- 4. With the exception of outside display as defined in Proffered Condition 5, and outdoor play areas in conjunction with a nursery school, child care center or public or private school, all uses, including storage, shall be conducted entirely within an enclosed building, except for accessory automobile parking, loading and unloading facilities. (P)

- 5. No outside display of merchandise for sale shall be permitted unless it is located under a covered porch and does not obstruct pedestrian ways. (P)
- 6. Any freestanding sign shall be of a monument style; shall have a design that is compatible to the building which it advertises; and shall be externally illuminated. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

J. <a href="MISN0180">11SN0180</a>: In Midlothian Magisterial District, **MEADOWS PROPERTIES**, **LLC** requests conditional use approval and amendment of zoning district map to permit outside storage in a Community Business (C-3) District on 9.3 acres known as 2051 Huguenot Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. Tax ID 740-713-9395. ■ 11SN0180 STAFF ANALYSIS

Mr. Aaron Breed, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to Mr. Waller's question, Mr. Janosik confirmed that the adjourning property owners supported the request.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 11SN0180 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

- 1. The existing outside storage area shall be limited to 12,052 square feet, as depicted on "Exhibit 1, Area A," of the site plan prepared by Balzer and Associates, Inc., dated December 6, 2010. (P)
- 2. The proposed outside storage and bulk material sales shall be limited to 22, 848 square feet, as depicted on "Exhibit 1, Area B," of the site plan prepared by Balzer and Associates, Inc., dated December 6, 2010. (P)
- 3. The outside bulk storage (Area B) shall be screened with a combination of fencing and raised landscape berm. The fence shall consist of six (6) foot tall black wrought iron style picket fence panels placed between wood (or other similar material as approved by the Planning Department) columns which shall be spaced approximately twenty-four (24) feet apart, except for the columns between the two corner columns at the northwest and southwest corners, which shall include three (3) columns located as generally shown on Exhibit 2. The landscape berm shall be a minimum of two (2) feet above the exterior parking lot grade with the fence placed on top of the berm, to provide a screen height of a minimum of eight (8) feet as measured from the exterior pavement grade. If a berm is not provided, the metal wrought iron style fence panels shall be a minimum of eight (8) feet tall, as measured from the exterior pavement grade. The columns shall be approximately seven (7) feet tall and shall match the style and color of the existing columns on site. Woven shade fabric with a minimum fifty (50) percent light transmission factor shall be attached on the storage side of the wrought iron style fence. Evergreen trees shall be provided along the outside of the west and north fence lines. Existing evergreen trees will

satisfy the requirement along the west line. The existing eight (8) foot tall metal panel fence located along the rear buffer shall be extended to the west approximately sixty-two (62) feet to the property line as generally shown on Exhibit 2. The northern entrance/exit gate shown on Exhibit 2 shall be of similar style to the wrought iron style fencing. (P)

- 4. There shall be no outside storage of fertilizer. (P)
- 5. The site and shopping center drives shall be kept clean of debris that is associated with this operation. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

K. <u>11SN0181</u>: In Bermuda Magisterial District, JAMES V. DANIELS requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) on 1.5 acres known as 4211 Old Hundred Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. Tax ID 789-654-4761. ■11SN0181 STAFF ANALYSIS

Mr. James Daniels, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Hassen noted a community meeting was held and there was no opposition.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 11SN0181 and acceptance of the following proffered condtion:

#### PROFFERED CONDITION

The following uses shall not be permitted:

- Cocktail lounges and nightclubs.
- 2. Feed, seed and ice sales.
- 3. Greenhouses or nurseries.
- 4. Home centers.
- 5. Hospitals.
- 6. Hotels.
- 7. Indoor flea markets.
- 8. Liquor stores.
- 9. Motor vehicle washes.
- 10. Repair services, excluding motor vehicle repair.
- 11. Restaurants, carry-out.
- 12. Taxidermies.
- 13. Theaters, except drive-in theaters.
- 14. Veterinary hospitals and/or commercial kennels.
- 15. Material reclamation receiving centers.

- Motor vehicle sales and rental, excluding commercial vehicles such as buses, tractor-trailer trucks, dump trucks, stake bed trucks, vans where the cargo area cannot be accessed from the driver's seat without exiting the vehicle and/or cab and chassis vehicles; construction equipment and motor vehicle consignment lots, and as accessory to sales and rental, service and repair, to exclude body repair.
- 17. Warehouses for permitted uses.
- 18. Outside storage, as accessory to a permitted use, including, but not limited to: retail building materials; construction equipment/materials; outside runs for commercial kennels or veterinary hospitals; feed/seed items; garden centers, greenhouses, hot houses; miscellaneous materials for retail/wholesale sales.
- 19. Continuous outside display of merchandise for sale, as accessory to a permitted use.
- 20. Residential multifamily and townhouses.
- 21. Prepared food and fruit and vegetable vendors.
- 22. Communication towers.
- 23. Park and ride lots. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

L. 11SN0184: In Clover Hill Magisterial District, CLODFELTER PROPERTIES LLC requests conditional use approval and amendment of zoning district map to permit a business (motor vehicle accessory store) in an Agricultural (A) District on .6 acres known as 12621 Genito Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. Tax ID 736-688-5801. ▶11SN0184 STAFF ANALYSIS

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley noted a community meeting was held and there were no attendees; and the area is characterized as light industrial.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 11SN0184 and acceptance of the following proffered conditions:

#### **PROFFERED CONDITIONS**

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the property known as Chesterfield County Tax ID 736-688-5801 will be used for business purposes as set forth below and as set forth in Zoning Case 84S113; however, in the event the request is denied or approved with conditions not agreed to by the Applicant, these proffers shall be immediately null and void and of no further force or effect.

1. The retail area (including the sales counter) shall be permitted to occupy an area up to twenty (20) percent of the gross floor area of either the existing building, as shown on Exhibit A dated February 3, 2011, or any new or expanded building, provided that this retail area shall not exceed 1000 gross square feet. (P)

2. Any new development shall meet Emerging Growth District Standards for light industrial uses. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

M. 11SN0106: In Matoaca Magisterial District, ASC LAND CORPORATION requests amendment of zoning (Case 95SN0177) and amendment of zoning district map relative to uses, architectural treatment, hours of operation and access in a Community Business (C-3) District on 2.3 acres located in the northwest quadrant of Ashbrook and Ashlake Parkways. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use and conservation/recreation use. Tax ID 720-670-7347. ■11SN0106 STAFF ANALYSIS

Mr. Brian Bowe, the applicant's representative, accepted staff's recommendation and noted the prohibiting of liquor stores with the deletion of 2. F., of the proffered conditions.

Mr. Bass opened the floor for public comments.

Ms. Regina Wittsed supported the request; however, voiced concern relative to future traffic flows resulting from the raised median on Ashlake Parkway and its impact on Ashbrook Parkway.

There being no one else to speak, Mr. Bass closed the public comments.

In response to Mr. Bass's question, Mr. McCracken stated the Transportation Department supported the raised median to be extended from its current terminus to south of Ashlake Parkway; and access to Ashlake Parkway will be limited to right-turns-in and right-turns-out only.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 11SN0106 and acceptance to the following proffered conditions:

#### PROFFERED CONDITIONS

 Direct vehicular access from the property to Ashlake Parkway (the "Access") shall be limited to one (1) entrance/exit generally located towards the northern property line. The exact location of the Access shall be approved by the Transportation Department.

Prior to issuance of an occupancy permit for any development that is served by the Access, as determined by the Transportation Department, a raised median within Ashlake Parkway shall be constructed to VDOT minimum standards from its current terminus located north of the property to south of the Access at a point located approximately 160 feet from the centerline of the Access. The exact design of these improvements shall be approved by the Transportation Department. (T)

- 2. Uses shall be limited to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) District, except as follows:
  - A. Automobile self-service stations shall be prohibited.
  - B. Medical clinics shall be permitted if designed to preclude ambulance traffic.

- C. Convenience stores with or without associated gasoline sales shall be prohibited.
- D. Carry out restaurants shall be permitted if located a minimum distance of 200 feet from Ashbrook Parkway.
- E. Fast food restaurants without drive-in windows shall be permitted only if located a minimum distance of 200 feet from Ashbrook Parkway.
- 3. Hours of operation shall be limited as follows:
  - A. Restaurants (sit-down) shall not be open to the public between the hours of 10:00 p.m. and 6:00 a.m. with the exception of Fridays and Saturdays when such use shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
  - B. All other uses shall not be open to the public between the hours of 10:00 p.m. and 6:00 a.m. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

# • CASE WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE IS PUBLIC OPPOSITION.

D. RECALLED 11SN0170: In Bermuda Magisterial District, ALISA MOORE requests conditional use approval and amendment of zoning district map to permit a family day care home in a Residential (R-12) District on .8 acre known as 15138 Alderwood Terrace. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4 units/acre. Tax ID 794-640-4643. ■11SN0170 STAFF ANALYSIS

Mr. Robert Clay presented an overview of the request and staff's recommendation of approval noting the proposed family day care home, as conditioned, should have no adverse impact on the surrounding neighborhood; that similar family day care homes have been approved in other neighborhoods; and the recommended conditions are similar to conditions imposed on other family day care homes. Mr. Clay noted the addendum restricting the use to a period of two (2) years; and the preclusion of signage

Ms. Alsia Moore, the applicant, accepted staff's recommendation and noted she has operated the family day care home for over one (1) year with the permitted five (5) children; however, she wanted to expand the family day care. She also noted the homeowner's association did not prohibit businesses from the home; and she will not alter the appearance of the home.

Mr. Bass opened the floor for public comments.

Messrs. Jimmy Brazcal, Herbert Parrish, Homeowner Association President, and Ms. Jeanett Gattis opposed the request expressing concerns relative to a business in a residential area; the subdivision's covenants prohibit commercial uses on the property; increased traffic; safety and welfare of area residents; parking; signs; fencing; and safety hazard for emergency vehicles.

There being no one else to speak, Mr. Bass closed the public comments.

In rebuttal, Ms. Moore noted there is no fencing on the property. She stated there is a petition on file, signed by her neighbors. She also stated she has twenty (20) years experience working with children; and that there is an onsite assistant.

In response to Mr. Bass's question, Mr. Clay stated staff had received a petition of support signed by neighbors.

In response to Dr. Brown's question, Mr. McCracken stated the proposed use will have a minimal impact on the existing transportation network.

In response to Dr. Brown's question, Firefighter Greg Smith stated the request will have no impact on Fire and EMS.

Mr. Waller voiced concerns regarding no fencing on the property; and felt that the Ordinance needed to be changed. He also noted that twelve (12) children would be in addition to any already living in the residence.

Mr. Hassen stated that historically he has not supported business requests in residential areas when they involved clients coming onto the premises. He noted the conditions and proffers are included so that if the Board approved the request, it is a complete and ready case.

Mr. Gulley stated the adjacent property owner as well as the homeowners' association opposed the request; therefore, he could not support the request.

Dr. Brown stated that he believes the case is conditioned the same as all others; there is a two (2) year time limit to reexamine the case; and the traffic impact was minimal.

On motion of Mr. Hassen, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 11SN0170.

AYES: Messrs. Bass, Gulley, Hassen and Waller.

NAY: Dr. Brown.

# • <u>CASE WHERE THE APPLICANT DOES NOT ACCEPT STAFF'S RECOMMENDATION AND</u> THERE IS NO PUBLIC OPPOSITION.

I. <u>11SN0179</u>: In Bermuda Magisterial District, **THOMAS KENT FINK** requests conditional use approval and amendment of zoning district map to permit a landscape contracting business and storage yard in an Agricultural (A) District on 12.1 acres fronting 670 feet on the east line of Branders Bridge Road, 4110 feet south of Treely Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 4.0 units/acre. Tax IDs 789-635-6055 and 6921. ■ 11SN0179 STAFF ANALYSIS

Ms. Jane Peterson presented an overview of the request and staff's recommendation of denial noting the proposed contractor's shop and storage yard use do not comply with the Plan; and is not representative of existing and anticipated area development patterns.

Mr. Thomas Fink, the applicant, did not accept staff's recommendation noting he has operated the business for over ten (10) years; and there are no onsite customers.

Mr. Bass opened the floor for public comments.

Ms. Carrie Coyner supported the request noting support for small locally-owned businesses; the economic benefit to the County; and the applicant's history of good and reliable service.

Mr. Hassen noted his comfort with the proffered time limitation given the potential for area development as suggested by the <u>Plan</u>.

On motion of Mr. Hassen, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 11SN0179 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

- 1. This Conditional Use shall be granted to and for Thomas K. Fink, exclusively, and shall not be transferable nor run with the land. (P)
- 2. This Conditional Use shall be for the operation of a landscape contractor's shop and storage yard. (P)
- 3. This Conditional Use shall be granted for a period not to exceed three (3) years from the date of approval. (P)
- 4. A maximum of thirty-five (35) employees shall be permitted on the property at any time. (P)
- 5. All vehicles, equipment storage and improvements associated with this business, exclusive of access, shall be located a minimum of 550 feet from the ultimate right of way of Branders Bridge Road as generally shown on the attached map (Area of Operation). (P)
- 6. Exclusive of access, this operation shall be limited to the existing improvements noted as follows:
  - a. Garage (1300 square feet)
  - b. Two Carports (400 square feet each)
  - c. Pole Barn (900 square feet)
  - d. Storage Building (400 square feet)
  - e. Vehicle and Equipment Parking (1600 square feet) (P)
- 7. Other than the vehicle parking and equipment storage areas identified in Proffered Condition 6, there shall be no additional outside storage. (P)
- 8. No additions or exterior alterations shall be permitted to any buildings to accommodate this use. (P)
- 9. No clients shall be permitted on the property. (P)
- 10. Hours of operation shall be limited to between 7:00 a.m. and 5:30 p.m., Monday through Friday. (P)
- 11. There shall be no signs identifying this use. (P)

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

#### CODE AMENDMENT.

### A. Code Amendment Relative to Planning Department Fees. ■PLANNING DEPARTMENT FEES

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Section 17-11 of the subdivision ordinance relating to subdivision fees and Section 19-25 of the
zoning ordinance relating to planning fees. After a public hearing, the Planning Commission may
recommend changes in the proposed amendments, which could range from recommending no change in
the current fee schedules to recommending that all fees be changed to the proposed fees set forth below,
and any combination in between. The legal authority for enactment of these fees, levies, increases and/or
reductions includes the Chesterfield County Charter and Va. Code § 15.2-2241(A)(9) and 15.2-2286(A)(6).
Except as described herein, no other new, increased or reduced fees are proposed with this amendment.
The proposed ordinance amendment and information concerning the documentation for the proposed fee,
levy, increase and/or reduction are available for examination by the public at the Chesterfield County
Planning Department, at the Chesterfield County Community Development Building, 9800 Government
Center Parkway, Chesterfield, Va. and the County Administrator's Office (Room 305) at the Chesterfield
County Administration Building. Questions should be directed to Glenn Larson at 748-1970.

Mr. Joe Feest presented an overview of the Proposed Planning Department Fee Adjustments noting the County Administrator's directive for staff to bring the fees in line with Hanover County's residential and Henrico County's non-residential fees. He stated the proposed fees will be for the application itself regardless of residential or non-residential uses. Mr. Feest also asked the Commission to consider deletion of (25.a. Plus per acre).

Mr. Glenn Larson provided a detailed analysis of the revenue comparisons from fiscal years 2008, 2010 and projected revenue range for fiscal year 2012.

Mr. Bass opened the floor for public comments.

Messrs. Mark James, David Reel, Brennen Keene, Bob Schrum, Ms. Deborah Girvin and Ms. Carrie Coyner supported the request noting the reduction will send a message that the County is business friendly.

Mr. Paul Grasewicz supported the request for non-residential fees; however, opposed a reduction for residential uses and stated residential development does not spur the economy.

There being no one else to speak, Mr. Bass closed the public comments.

The Commission supported the fee adjustments as presented by staff; however, Mr. Gulley questioned the fee adjustments for residential uses.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to recommend approval of the Propose Planning Department Fee Adjustment with deletion of (25.a.Pluse per acre) as follows:

AN ORDINANCE TO AMEND THE <u>CODE OF THE COUNTY</u> <u>OF CHESTERFIELD</u>, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 17-11 OF THE SUBDIVISION ORDINANCE RELATING TO SUBDIVISION FEES AND 19-25 OF THE ZONING

#### ORDINANCE RELATING TO ZONING AND OTHER PLANNING FEES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 17-11 and 19-25 of the <u>Code of the County of Chesterfield</u>, 1997, as amended, be amended and re-enacted to read as follows:

### Chapter 17

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#### Sec. 17-11. Fees.

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing the following applications:

- (a) Alternatives to chapter per § 17-8 . . . \$ 700.00 \$400.00
  - Plus any applicable plat review fee
- (b) Appeal of decision of director of planning . . . \$400.00
- (c) Deferral request by applicant for planning commission consideration of plat, per request:...\$200.00
  - (1) 40 or fewer days . . . \$250.00
  - (2) More than 40 days . . . \$150.00
- (d) Final check, amended and resubdivision plat review:
  - (1) Final check subdivision plat review . . . \$1,100.00 \$500.00

(Only one base fee will be required for final check plats required to be submitted in multiple sections per § 17-42.)

Plus, per lot . . . \$20.00

(2) Final check resubdivision plat review . . . \$900.00 \$100.00

Plus, per lot . . . \$20.00

(3) Final check amended plat review . . . \$900.00 \$500.00

Plus, per lot . . . \$20.00

- (e) Minor subdivision plat review . . . \$400.00
- (f) Onsite sewage disposal system soils analysis review, per lot/parcel . . . \$155.00

- (g) Parcel line modification review, per parcel . . . \$50.00
- (h) Residential parcel subdivision, per parcel . . . \$60.00
- (i) Tentative subdivision approval, or resubmittal of an expired previously approved tentative:
  - (1) Original submittal, renewal of previously approved tentative plat or adjusted tentative plat for previously approved tentative plat, including up to two resubmittals . . . \$800.00

Plus, per lot . . . \$30.00 \$20.00

(2) Renewal of previously approved tentative plat or adjusted tentative plat for previously approved tentative plat . . . \$100.00

Plus, per lot . . . \$20.00

- (2) (3) Third and subsequent submittal, per submittal . . . \$700.00 \$350.00
- (3) (4) Substitute to approved tentative, per submittal . . . \$100.00
- (j) Townhouse plan transfer to electronic format per § 17-32(d) . . . \$80.00
- (k) Written verification of subdivision or written subdivision interpretation . . . 75.00

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#### **CHAPTER 19**

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Sec. 19-25. Fees.

All fees provided for in this section for rezonings, amendment of zoning conditions, conditional uses, conditional use planned developments, and rezonings with conditional use and/or conditional use planned developments shall be waived up to \$4,000 of the total fee, including the base fee and any per acre charge, for commercial, office and/or industrial use applications received from September 23, 2010 to September 22, 2011. Under this provision only initial submissions shall be eligible and the following applications shall not be eligible for the reduction: (i) wireless communications towers, (ii) computer controlled variable message signs, (iii) variances, (iv) deferral requests, (v) remand requests, (vi) appeals of development standards waivers, (vii) any use incidental to a principal dwelling unit or (viii) family day care homes.

The \$1,200 \$600 base fee application provided for in this section for the original submittal and up to two resubmittals for site plan, overall development plan and schematic plan applications for office, commercial and industrial uses shall be waived for applications received from September 23, 2010 to September 22, 2011.

That this ordinance shall become effective immediately upon adoption and shall expire on September 22, 2011 at 5:00 p.m.

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing the following applications:

	Fee, Based On Fee				
	Application Type	Residential Uses	Office, Commercial, and Industrial Uses		
1.	Amend condition(s) of zoning (including conditions of rezoning, conditional use, conditional use planned development, and textual statement)	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>	
2.	Appeal to board of zoning appeals per § 19-21	<del>\$1,200</del>	<del>\$1,200</del>	<u>\$600</u>	
3.	Building permit review, for a new single family dwelling or for each unit of a new two-family dwelling	<del>\$25</del>	Not Applicable	<u>\$25</u>	
4.	Certain conditional uses				
	<ul> <li>a. Conditional use, family day care homes</li> </ul>	<del>\$300</del>	Not Applicable	<u>\$300</u>	
	<ul> <li>b. Conditional use for any use incidental to a principal dwelling unit except family day care homes</li> </ul>	<del>\$1,000</del>	<del>\$1,000</del>	<u>\$600</u>	
	<ul> <li>c. Conditional use for recreational facilities and grounds primarily serving the surrounding residential community</li> </ul>	<del>\$1,000</del>	not applicable	<u>\$750</u>	
	<ul> <li>d. Conditional use for communication towers, landfills, quarries, mines, borrow pits and adult businesses</li> </ul>	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$4,100</u>	
	i. Plus per acre after first acre	<del>\$90</del>	\$80	<u>\$50</u>	
5.	Conditional use, all others	<del>\$2,200</del>	<del>\$1,130</del>	<u>\$1,500</u>	
	<ul> <li>a. Plus per acre after first acre</li> </ul>	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>	
6.	Conditional use planned development	<del>\$5300</del>	<del>\$4,100</del>	<u>\$1,500</u>	
7.	a. Plus per acre  Planning Commission and Board of  Supervisors case deferral requests by the applicant, per request:	\$90 \$1,000 (Includes "A" uses)	\$80 \$1,000 (Includes "A" uses)	\$50 \$200	
8.	Board of Zoning Appeals case deferral requests by the applicant, per request:	<del>\$130</del>	<del>\$130</del>	<u>\$130</u>	
9.	Manufactured home permits, new	<del>\$550</del>	<del>\$550</del>	\$400	
_	Manufactured home permits, renewal	<del>\$250</del>	<del>\$250</del>	<u>\$200</u>	
	Modifications to development standards and requirements	<del>\$400</del>	\$300	<u>\$400</u>	
	Plan transfer to electronic format per § 19-264(f)	<del>\$130</del>	<del>\$130</del>	<u>\$130</u>	
13.	Planning permits				

	Fee, Based On		<u>Fee</u>
Application Type	Residential Uses	Office, Commercial, and Industrial Uses	
<ul> <li>a. Temporary family health care unit permit</li> <li>14. Resource protection area exceptions</li> </ul>	<del>\$100.00</del>	Not Applicable	<u>\$100</u>
per § 19-235(b)(2) for one lot or parcel used or intended to be used for a single family dwelling and accessory uses	<del>\$300</del>	Not Applicable	<u>\$300</u>
15. Resource protection area exceptions per § 19-235(b)(2), all others	<del>\$1,500</del>	<del>\$1,500</del>	<u>\$300</u>
16. Remand requests to the planning commission, by the applicant, per request	50 percent of original case fee (includes "A" uses)	50 percent of original case fee (includes "A" uses)	50 percent of original case fee
17. Rezoning	<del>\$5,300</del>	<del>\$4,100</del>	\$1,500
a. Plus per acre	\$90	<del>\$80</del>	\$50
18. Rezoning with conditional use	-	-	-
a. Base fee for rezoning	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>
i. Plus per acre	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>
<ul> <li>b. Base fee for conditional use</li> </ul>	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>
i. Plus per acre	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>
<ol><li>Rezoning with conditional use planned development</li></ol>	-	-	-
<ul> <li>a. Base fee for rezoning</li> </ul>	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>
i. Plus per acre	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>
<ul> <li>b. Base fee for conditional use planned development</li> </ul>	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>
i. Plus per acre	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>
<ol><li>Rezoning with conditional use and conditional use planned development</li></ol>	-	-	-
a. Base fee for rezoning	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>
i. Plus per acre	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>
b. Base fee for conditional use	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>
i. Plus per acre	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>
<ul> <li>c. Base fee for conditional use planned development</li> </ul>	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>
i. Plus per acre	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>
21. Sign Permits, temporary signs as permitted by § 19-631 through § 19-650	<del>\$100</del>	<del>\$100</del>	<u>\$100</u>
22. Sign Permits, all other signs for which building permits are required	<del>\$130</del>	<del>\$130</del>	<u>\$130</u>
23. Site plan, overall development plan and schematic plan reviews: original submittal, including up to two resubmittals	\$ <del>2,000</del>	<del>\$1,200</del>	<u>\$600</u>

	Fee, Based On		<u>Fee</u>
Application Type	Residential Uses	Office, Commercial, and Industrial Uses	
a. Plus per acre	<del>\$90</del>	<del>\$80</del>	<u>\$50</u>
24. Site plan, overall development plan and schematic plan reviews: third and subsequent resubmittals, per submittal	<del>\$400</del>	<del>\$350</del>	<u>\$250</u>
25. Site plan, overall development plan and schematic plan reviews: adjustment to approved site plan or amendment to approved schematic plan, per submittal or resubmittal	<del>\$400</del>	<del>\$350</del>	<u>\$300</u>
a. Plus per acre			<u>\$50</u>
26. Site plan review: appeal of decision of director of planning	<del>\$400</del>	<del>\$350</del>	<u>\$350</u>
27. Special exceptions, temporary manufactured home (new)	<del>\$550</del>	<del>\$550</del>	<u>\$500</u>
28. Special exceptions, temporary manufactured home (renewal)	<del>\$250</del>	<del>\$250</del>	<u>\$200</u>
29. Special exceptions, all others	<del>\$1,000</del>	<del>\$1,000</del>	<u>\$700</u>
30. Special exceptions, amend conditions of special exception	<del>\$600</del>	<del>\$600</del>	<u>\$600</u>
31. Substantial accord determinations	<del>\$5,300</del>	<del>\$4,100</del>	<u>\$1,500</u>
a. Plus per acre			<u>\$50</u>
32. Variances, administrative	<del>\$200</del>	<del>\$200</del>	<u>\$200</u>
33. Variances, all other	<del>\$300</del>	<del>\$300</del>	<u>\$300</u>
34. Verification of non-conforming use (written)	<del>\$75</del>	<del>\$75</del>	<u>\$75</u>
35. Zoning certificate	<del>\$75</del>	<del>\$75</del>	<u>\$75</u>
36. Zoning interpretation (written)	<del>\$75</del>	<del>\$75</del>	<u>\$75</u>

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(2) That this ordinance shall become effective immediately upon adoption.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

# XII. <u>CITIZEN COMMENT ON UNSCHEDULED MATTERS</u>.

There were no citizen comments on unscheduled matters.

### XIII. <u>ADJOURNMENT</u>.

There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Dr. Brown, that the meeting adjourned at 8:00 p.m. to February 22, 2011, at 1 p.m. in the Public Meeting Room, Chesterfield County Administration Building, Chesterfield, Virginia.

Chairman/Date	Secretary/Date